

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

WENDY RATH, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

JO-ANN STORES, LLC,

Defendant.

Civil Action No. 1:21-cv-00791-WMS

PLAINTIFF’S NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiff Wendy Rath respectfully submits this Notice of Supplemental Authority to bring to the Court’s attention a recent ruling on the motion to dismiss in *Rodriguez v. Williams-Sonoma, Inc.*, Case No. 22-cv-02436-GRB-JMW (E.D.N.Y.), a similar New York Labor Law (“NYLL”) § 191 putative class action. Because the *Rodriguez* Order does not contain an opinion, but instead references “the reasons set forth on the record,” copies of the Minute Order and Hearing Transcript are attached herewith as Exhibits A and B, respectively.

There, Judge Brown rejected the defendant’s argument that plaintiff lacked Article III standing for want of a concrete injury, holding that the time value of money lost due to defendant’s delayed wage payments was sufficient to confer standing. *See* Exhibit B, page 21, line 12 through page 22, line 24. This holding is relevant to Defendant’s argument that Plaintiff lacks Article III standing in this action, given that Plaintiff asserts the same claim at issue in the *Rodriguez* case.

Dated: August 8, 2022

Respectfully submitted,

By: /s/ Yitzchak Kopel

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